



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2308186
Applicant Name : Kelly Shyne for Harvard Estates LLC
Address of Proposal: 723 Harvard Ave E

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into nine (9) lots (unit lot subdivision). Proposed lot sizes are: 1) 3,804 square feet, 2) 2,991 square feet, 3) 2,985 square feet, 4) 2,968 square feet, 5) 2,992 square feet, 6) 2,992 square feet, 7) 3,337 square feet, 8) 3,452 square feet and 9) 26,041 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.

Related projects include a MUP #2205141 (establish use for future construction of townhouses and apartments), Project #2302571 and 2302572 (Phase 1 and 2 Building Permits) and #2306669 (LBA)

The following approval is required:

Short Subdivision - to subdivide one existing parcel into nine lots as a unit subdivision. (Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

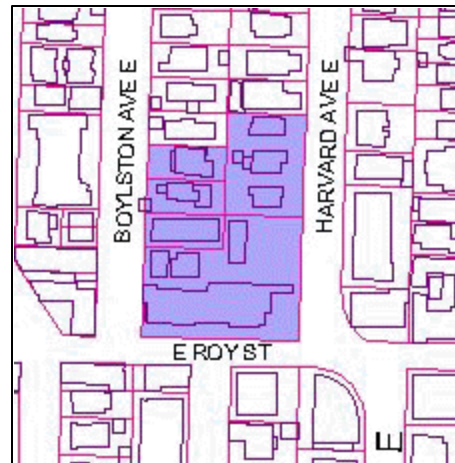
☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 51,602 square foot property is located north of E Roy Street, between Boylston Ave E and Harvard Ave E, near the Harvard-Belmont Historic District on Capitol Hill. Pedestrian access to the site occurs from both Boylston Ave E and Harvard Ave E, and will continue as a result of this project. Both streets are improved with curb, gutter and sidewalk. Vehicle access for the proposed townhouse development on Lots 1-8 will occur from shared driveways for a total of 4 curbcuts along Harvard Ave E. Access to the condominium project on Lot 9 will occur from 2 separate curbcuts along Boylston Ave E.



The subject lot is zoned Multi-family Lowrise 3 (L3). The project is adjacent to the Harvard Belmont Historic District. Other properties in the area are zoned L3. Immediately to the south of the project is Kerry Hall, a City of Seattle Landmark affiliated with Cornish College of the Arts.

Proposal

The proposal is to subdivide one parcel into nine (9) unit subdivision lots with vehicle access to the new townhouses provided through separate curbcuts and driveways. The proposed lots sizes for the townhouses are:

- Lot 1) 3,804 square feet
- Lot 2) 2,991 square feet
- Lot 3) 2,985 square feet
- Lot 4) 2,968 square feet
- Lot 5) 2,992 square feet
- Lot 6) 2,992 square feet
- Lot 7) 3,337 square feet
- Lot 8) 3,452 square feet

Lot 9 will serve the apartment/condominium site, totalling 26,041 square feet. All of the structures have been reviewed for applicable code compliance under MUP No. 2205514. Building Permit review occurred under Project numbers 2302571 and 2302572. A separate LBA to adjust the property line between this development and the adjacent Kerry Hall occurred under MUP #2306669. The eight (8) new townhouse units will be located in two units to a structure, for a total of four (4) structures. Each of the structures will have a joint access driveway, with each structure containing a separate parking space for each unit. Parking for the apartment/condominium units, accessed through two separate curb cuts, will be located underground.

Public Comments

The comment period for this proposal ended on December 31st, 2003. During the public comment period, DPD received a comment by email in support of the project.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multi-family Lowrise 3 (L3) use. The allowable density of the subject property is one unit per eight hundred (800) square feet of lot area. Given a lot area of approximately 51,602 square feet, a total of sixty four (64) units are allowed for the entire site. The eight townhouse units are located on a total lot coverage area of 25,561 square feet, well in excess of the minimum 6,400 square feet required for this zone. The apartment/condominium project has a total of 24 dwelling units, as permitted in MUP #2205141. As the 24 units

require a minimum of 19,200 square feet, the 26,041 square feet attributable to Lot 9 of this Unit Lot subdivision is well in excess of the requirement.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement in order to provide for electrical facilities and service to the proposed lots, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on December 17th, 2003 (WAC ID No. 2003-1366).

Plan review requirements were made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

The applicants requested and were granted an environmentally critical areas exemption (ECA exemption) under DCLU project number 2300221. The ECA exemption review found the areas of steep slope were created by past street improvements and as a result found the standards of SMC 25.09.180 were not required for this project review.

6. *Is designed to maximize the retention of existing trees;*

SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. The tree requirement was reviewed under MUP No. 2205141.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

The proposal will result in the creation of clustered housing, permitted under SMC 23.45. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2205141. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity on the proposed Lots are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This subdivision application is not a short subdivision but rather a unit lot subdivision, therefore this section does not apply.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise 3 (L3) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
4. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.

Signature: (signature on file) Date: May 10, 2004

Michael Jenkins, Land Use Planner
Department of Planning and Development